

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: Kosche et al.	
App. No.: 10/840,167	Con. No.: 7505
Filed: May 6, 2004	Art Unit: 2191
Title: METHOD AND APPARATUS FOR DATA OBJECT PROFILING	Examiner: Steelman, Mary J.

**RESPONSE TO PATENT NOTICE – REQUEST FOR DOCUMENTS**

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Commissioner for Patents

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Alexandria, VA 22313-1450

Sir:

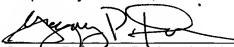
In response to the Notice Under 37 C.F.R. § 1.251 dated November 13, 2007, enclosed please find copies of the missing documents cited in an Information Disclosure Statement submitted March 14, 2006. A copy of the Notice listing the requested documents is also enclosed for ready review.

This Response is being filed within the allotted three-month time period. Therefore, no fees are due with respect to this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner has any questions, please contact the undersigned attorney.

Dated: December 5, 2007

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,167	05/06/2004	Nicolai Kusche	004-9158	7505

66083 7590 11/13/2007

SUN MICROSYSTEMS, INC. c/o DORSEY & WHITNEY, LLP  
370 SEVENTEENTH ST.  
SUITE 4700  
DENVER, CO 80202

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/13/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: Nicolai Koshe, *et al.*  
Application No.: 10/840,167  
Filing Date: May 6, 2004  
Title: **METHOD AND APPARATUS FOR DATA OBJECT PROFILING**

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**NOTICE UNDER 37 CFR 1.251 – Pending Application**

Statement (check the appropriate box):

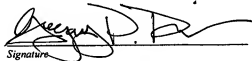
☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date Dec. 5, 2007

  
Signature

GREGORY P. DURAN  
Typed or printed name

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Reference: ANDERSON, Jennifer et al., "Continuous Profiling: An Electron Microscope for Your Computer", Palo Alto, CA, August 13, 1999, 18 pages - filed with IDS (3-17-2006).

Reference: "Program Performance Analysis Tools," Sun Microsystems, Inc. Publication 817-0922-10, May 2003 (244 pages) - filed with IDS (3-17-2006).

Reference: ITZKOWITZ, Marty et al., "Memory Profiling Using Hardware Counters," November 15-21, 2003, pages 1-12 (missing pages 5, 6 and 9) - filed with IDS (3-17-2006).

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

**Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).**

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

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